

RESOLUTION NO. 08-152

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACKNOWLEDGING THAT FLORIDA POWER & LIGHT COMPANY ("FPL") SHALL EXECUTE A SUBORDINATION OF UTILITY INTERESTS RELATING TO A UTILITY EASEMENT DATED MARCH 3, 1997 GRANTED BY MAY L. ROTOLANTE AS RECORDED IN OFFICIAL RECORDS BOOK 17546, PAGES 2952-2953, OF THE MIAMI-DADE COUNTY PUBLIC RECORDS, AND THE CITY, IN LIEU OF GRANTING OR CONSENTING TO A NEW UTILITY EASEMENT AT THIS TIME, THE CITY AGREES TO GRANT OR RESERVE UTILITY EASEMENTS ACCEPTABLE TO FPL AT A FUTURE TIME WHEN THE PROPERTY DESCRIBED IN EXHIBIT "1" IS PLATTED, REPLATTED AND/OR DEVELOPED.

WHEREAS, pursuant to Hialeah, Fla., Resolution 08-89 (Aug. 13, 2008) agreed in principle with Florida Power & Light to defer the exact relocation of utility easements that are being utilized in connection with the widening and reconstruction of NW 138 Street until a time when the property is developed or platted in exchange for the execution and delivery of a subordination of the utility easement affected by the NW 138 Street construction project; and

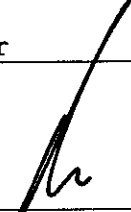
WHEREAS, this resolution identifies the utility easement and property within the geographic boundaries of the City of Hialeah that is subject to the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby acknowledges that Florida Power & Light Company ("FPL") shall execute a subordination of utility interests relating to a utility easement dated March 3, 1997 granted by May L. Rotolante as recorded in Official Records Book 17546, pages 2952-2953, of the Public Records of

Miami-Dade County, Florida and in lieu of granting or consenting to a new utility easement at this time, the City agrees to grant or reserve utility easements acceptable to FPL at a future time when the property described in Exhibit "1" is platted, replatted and/or developed.

PASSED AND ADOPTED this 28th day of October, 2008.



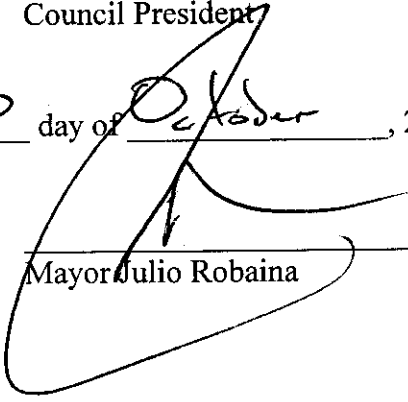
Esteban Bovo
Council President

Attest:

Approved on this 30 day of October, 2008.

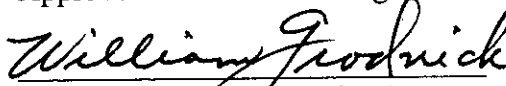


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Godnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".

Exhibit "1"

LEGAL DESCRIPTION:

Lots 5 to 8 and Lots 17 to 24 in the SE 1/4 of Section 20, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida.

LESS:

North 35 feet of West 1/2 of Tract 17 and less Ext area of curve in NW corner for right of way, and less West 43 feet of the S 1/2 of SE 1/4 of Section; and less East 40 feet of South 1/2 of SE 1/4 of Section 20, Township 52 South, Range 40 East.

LESS:

That portion of Tracts 17, 18, 19 and 20 in Section 20, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida, that lies within the West 43 feet of the SE 1/4 of said Section 20.

LESS:

The East 30 feet of Lots 5, 6, 7, and 8, in the SE 1/4 of Section 20, Township 52 South, Range 40 East, of CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida.

More particularly described as follows:

Commence at the SW corner of SE 1/4 of Section 20, Township 52 South, Range 40 East of Miami-Dade County, Florida. Thence North 89 degrees 40 minutes 13 seconds East along the South line of said Section 20 a distance of 43.03 feet; thence North 02 degrees 36 minutes 37 seconds West along a line 43.00 feet East and parallel to the West line SE 1/4 of said Section 20 a distance of 10.01 feet to the Point of Beginning; thence North 89 degrees 40 minutes 13 seconds East along a line 10.00 feet North, and parallel to the South line of said Section 20 a distance of 2,557.97 feet to a point 40.00 feet West of the East line of said Section 20, thence North 02 degrees 37 minutes 55 seconds West along a line 40.00 feet West of the East line of said Section 20 a distance of 1,320.50 feet to a point on the North line of SE 1/4 of said Section 20; thence South 89 degrees 40 minutes 10 seconds West along the North line of SE 1/4 of said Section 20 a distance of 2,270.43 feet; thence South 00 degrees 21 minutes 01 seconds East a distance of 35.03 feet; thence South 89 degrees 40 minutes 10 seconds West along a line 35.00 feet South and parallel to the North line of the SE 1/4 of said Section 20 a distance of 261.02 feet to the Point of Curvature of a circular curve concave to the Southeast; thence Southwesterly along the arc of said curve having for its elements a radius of 25.00 feet, a central angle of 92 degrees 16 minutes 47 seconds, and an arc distance of 40.26 feet to the Point of Tangency; thence South 02 degrees 36 minutes 37 seconds East along a line 43.00 feet East and parallel to the West line of SE 1/4 of said Section 20 a distance of 1,259.39 feet to the Point of Beginning.

LESS:

All rights-of-way deeded to the City of Hialeah and Miami-Dade County, Florida.